

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA**

Biomedical Device Consultants & Laboratories of Colorado, LLC)	
)	
Plaintiff,)	Civil No. 0:17-cv-03403 DWF-SER
)	
v.)	
)	
TA Instruments – Waters LLC,)	
)	
Defendants.)	

**DECLARATION OF KIA L. FREEMAN IN SUPPORT OF
DEFENDANT’S OPPOSITION TO PLAINTIFF’S MOTION FOR
PRELIMINARY INJUNCTION**

I, Kia L. Freeman, declare as follows:

1. I am a partner in the law firm of McCarter & English, LLP, and I am lead trial counsel for the defendant TA Instruments – Waters LLC (“TA Instruments”).
2. I am duly licensed to practice law in Massachusetts, the District of Columbia, and the U.S. Patent and Trademark office and I have been admitted to practice *pro hac vice* before this Court.
3. Attached as Exhibit A is a true and accurate copy of excerpts from the Prosecution History of U.S. Patent No. 8,584,538 (prosecuted as U.S. Application No. 13/027,507).
4. Attached as Exhibit B is a true and accurate copy of Lu et al., On Accelerated Fatigue Testing of Prosthetic Heart Valves, in FRONTIERS IN BIOMEDICAL ENGINEERING 185-196 (Springer, Hwang et al. eds. 2003).
5. Attached as Exhibit C is a true and accurate copy of excerpts from the transcript of the December 1, 2017 motion hearing held before this Court in this case.

I declare under the penalty of perjury that the foregoing is true and correct.

Dated: December 22, 2017

/s/ *Kia L. Freeman*

KIA L. FREEMAN